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**618. Enforcement and penalties.**

- (a) Violations; false statements and willful omissions.
- (b) Proof of identity of foreign principal.
- (c) Deportation.
- (d) Nonmailable matter.
- (e) Continuing offense.
- (f) Injunctive remedy; jurisdiction of district court; expedition of proceedings.
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**SUBCHAPTER I—GENERALLY****Library References**

International Law 10.24.

C.J.S. International Law § 12.

**§ 601. Repealed. June 25, 1948, c. 645, § 21, 62 Stat. 862****Historical Note**

Section, Acts June 15, 1917, c. 30, Title VIII, § 3, 40 Stat. 226; Mar. 28, 1940, c. 72, § 6, 54 Stat. 80, related to acting as a foreign agent without notice to Secretary of State, and is now covered by section 861 of Title 18, Crimes and Criminal Procedure. Effective Date of Repeal. Repeal of section effective Sept. 1, 1948, see Act June 25, 1948, c. 645, § 20, 62 Stat. 862.

**SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS****EXECUTIVE ORDER NO. 9176**

May 29, 1942, 7 F.R. 4127

**TRANSFER OF REGISTRATION FUNCTIONS FROM THE SECRETARY OF STATE TO THE ATTORNEY GENERAL**

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress [section 601 et seq. of the Appendix to Title 50, War and National Defense]), and as President of the United States, it is hereby ordered as follows:

1. All functions, powers and duties of the Secretary of State under the act of June 8, 1938 (52 Stat. 631), as amended by the act of August 7, 1939 (53 Stat. 1244) [this subchapter], requiring the registration of agents of foreign principals, are hereby transferred to and vested in the Attorney General.

2. All property, books and records heretofore maintained by the Secretary of State with respect to his administration of said act of June 8, 1938, as amended, are hereby transferred to and vested in the Attorney General.

3. The Attorney General shall furnish to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States, one copy of each registration statement that is hereafter filed with the Attorney General in accordance with the provisions of this Executive order.

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4. All rules, regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said act of June 8, 1938, as amended, and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Attorney General.

5. This order shall become effective as of June 1, 1942.

### § 611. Definitions

As used in and for the purposes of this subchapter—

(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals;

(b) The term "foreign principal" includes—

(1) a government of a foreign country and a foreign political party;

(2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

(c) Except as provided in subsection (d) of this section, the term "agent of a foreign principal" means—

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—

(i) engages within the United States in political activities for or in the interests of such foreign principal;

(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and

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(2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.

(d) The term "agent of a foreign principal" does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3611 of Title 39, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any agent of a foreign principal required to register under this subchapter;

(e) The term "government of a foreign country" includes any person or groups of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

(f) The term "foreign political party" includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;

(g) The term "public-relations counsel" includes any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal;

(h) The term "publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any

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kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise:

(i) The term "information-service employee" includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

(j) The term "political propaganda" includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence. As used in this subsection the term "disseminating" includes transmitting or causing to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce or offering or causing to be offered in the United States mails;

(k) The term "registration statement" means the registration statement required to be filed with the Attorney General under section 612(a) of this title, and any supplements thereto required to be filed under section 612(b) of this title, and includes all documents and papers required to be filed therewith or amendatory thereof or supplemental thereto, whether attached thereto or incorporated therein by reference;

(l) The term "American republic" includes any of the states which were signatory to the Final Act of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, Cuba, July 30, 1940;

(m) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, and all other places now or hereafter subject to the civil or military jurisdiction of the United States;



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Oct. 4, 1961, Pub.L. 87-366, § 1, 75 Stat. 784; July 4, 1966, Pub.L. 89-486, § 1, 80 Stat. 244; Aug. 12, 1970, Pub.L. 91-375, § 6(k), 84 Stat. 782.

<sup>1</sup> So in original. Probably should read "Except".

<sup>2</sup> So in original. Reference should probably be to section 385 of Title 39.

## Historical Note

**Codification.** Words "including the Philippine Islands," were deleted from the definition of the "United States" in subsection (m) pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section Proc. No. 2695 is set out as a note.

**1970 Amendment.** Subsec. (d), Pub.L. 91-375 substituted "file with the United States Postal Service information in compliance with section 3611 of Title 39" for "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended".

**1966 Amendment.** Subsec. (b), Pub.L. 89-486, § 1(1), redesignated former pars. (3) and (4) as (2) and (3), substituted in such par. (3) "combination of persons" for "combination of individuals" and eliminated from the definition of "foreign principal" former pars. (2), (5), and (6) which included "(2) an individual affiliated or associated with, or supervised, directed, controlled, financed, or subsidized, in whole or in part, by any foreign principal defined in clause (1) of this subsection"; "(5) a domestic partnership, association, corporation, organization, or other combination of individuals, subsidized directly or indirectly, in whole or in part, by any foreign principal defined in clause (1), (3), or (4) of this subsection"; and "(6) a domestic partnership, association, corporation, or other combination of individuals, supervised, directed, controlled, or financed, in whole or in substantial part, by any foreign government or foreign political party."

Subsec. (c), Pub.L. 89-486, § 1(2), amended provisions generally to redefine "agent of a foreign principal" by specifying four categories of activities creating the agency relationship where person acts as agent, employee, representative, or servant or at the order of, or under the control of, a foreign principal, by requiring a showing not only of foreign connections but also of certain activities performed by the agent for foreign interests, by making change as it relates to problem of indirect control exerted by foreign principals over their agents, by including political activities and actions

as political consultant, by excluding attorneys from the relationship, by incorporating provisions of former par. (3) in par. (2) where a person assumes or purports to act as an agent of a foreign principal, and by eliminating the separate category for military or governmental officials contained in former par. (4).

Subsec. (d), Pub.L. 89-486, § 1(3), struck out "clause (1), (2), or (4) of" preceding "subsection (b)".

Subsec. (g), Pub.L. 89-486, § 1(4), inserted "public relations" preceding "matter pertaining to" and "of such principal" following "or relations".

Subsecs. (o) to (q), Pub.L. 89-486, § 1 (5), added subsecs. (o) to (q).

**1961 Amendment.** Subsec. (b)(6), Pub.L. 87-366 added par. (6).

**1956 Amendment.** Subsec. (c)(5), Act Aug. 1, 1956 repealed par. (5), which included within the definition of "agent of a foreign principal" any person trained in foreign espionage systems with certain exceptions, and is now covered by sections 851 and 852 of Title 50, War and National Defense.

**1950 Amendment.** Subsec. (c)(5), Act Sept. 23, 1950 added par. (5).

**1942 Amendment.** Act Apr. 29, 1942 amended section generally to redefine terms used in this subchapter.

**1939 Amendment.** Act Aug. 7, 1939 amended section generally to redefine terms used in this subchapter.

**Effective Date of 1970 Amendment.** Amendment by Pub.L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub.L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

**Effective Date of 1966 Amendment.** Section 9 of Pub.L. 89-486 provided that: "This Act [which enacted sections 219 and 613 of Title 18, Crimes and Criminal Procedure, and amended sections 611 to 614 and 618 of this title] shall take effect ninety days after the date of its enactment [July 4, 1966]."

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**Effective Date of 1942 Amendment.** Section 3 of Act Apr. 29, 1942 provided that: "This Act [this subchapter] shall take effect on the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this Act [this subchapter]."

**Effective Date.** Section 7 of Act June 8, 1938 provided that this subchapter shall take effect on the ninetieth day after June 8, 1938.

**Short Title.** Section 14 of Act June 8, 1938, as added by Act Apr. 29, 1942, § 1, provided that: "This Act [this subchapter] may be cited as the 'Foreign Agents Registration Act of 1938, as amended.'"

**Separability of Provisions; Effect on Existing Law.** Sections 12 and 13 of Act June 8, 1938, as added by Act Apr. 29, 1942, § 1, provided that:

"Sec. 12. If any provision of this Act [this subchapter], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act [this subchapter], and the application of such provisions to other persons or circumstances, shall not be affected thereby.

"Sec. 13. This Act [this subchapter] is in addition to and not in substitution for any other existing statute."

**Transfer of Functions.** Section 2 of Act Apr. 29, 1942 provided that: "Upon the effective date of this Act [see Effective Date of 1942 Amendment note above], all powers, duties, and functions of the Secretary of State under the Act of June 8, 1938 (52 Stat. 631), as amended [this subchapter], shall be transferred to and be-

come vested in the Attorney General, together with all property, books, records, and unexpended balances of appropriations used by or available to the Secretary of State for carrying out the functions devolving on him under the above-cited Act [this subchapter]. All rules, regulations, and forms which have been issued by the Secretary of State pursuant to the provisions of said Act [this subchapter], and which are in effect, shall continue in effect until modified, superseded, revoked, or repealed."

**Policy and Purpose of Subchapter.** Act Apr. 29, 1942, amending generally Act June 8, 1938, added an opening paragraph preceding section 1 of the latter Act and reading as follows: "It is hereby declared to be the policy and purpose of this Act [this subchapter] to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities."

**Legislative History.** For legislative history and purpose of Act Sept. 23, 1950, see 1950 U.S.Code Cong.Service, p. 3886. See, also, Act Aug. 1, 1956, 1956 U.S.Code Cong. and Adm.News, p. 4056; Pub.L. 87-366, 1961 U.S.Code Cong. and Adm.News, p. 3218; Pub.L. 89-486, 1966 U.S.Code Cong. and Adm.News, p. 2397; Pub.L. 91-375, 1970 U.S.Code Cong. and Adm.News, p. 3049.

## Cross References

Military or civilian censorship prohibited, and preservation of certain constitutional rights, see section 798 of Title 50, War and National Defense.  
Registration functions of Secretary of State transferred to Attorney General, see Ex.Ord.No.9176, set out preceding this section.

## Code of Federal Regulations

Administration and enforcement, see 28 CFR 5.1 et seq.

## Notes of Decisions

Agent 4  
Constitutionality 1  
Domestic organization 3  
Power of Congress 3  
Purpose 2

## 1. Constitutionality

This subchapter is valid and is not subject to any constitutional infirmity. U. S. v. Peace Information Center, D.C.D.C. 1951, 97 F.Supp. 255.

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## 2. Purpose

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§ 612. Registration statementFiling: contents

(a) No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by subsections (a) and (b) of this section or unless he is exempt from registration under the provisions of this subchapter. Except as hereinafter provided, every person who becomes an agent of a foreign principal shall, within ten days thereafter, file with the Attorney General, in duplicate, a registration statement, under oath on a form prescribed by the Attorney General. The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was an agent of a foreign principal. The registration statement shall include the following, which shall be regarded as material for the purposes of this subchapter:

(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and complete copy of its articles of copartnership; if an association, corporation, organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a true and complete copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees and a statement of the nature of the work of each; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party, or by any other foreign principal;

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(4) Copies of each written agreement and the terms and conditions of each oral agreement including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances by reason of which the registrant is an agent of a foreign principal; a comprehensive statement of the nature and method of performance of each such contract, and of the existing and proposed activity or activities engaged in or to be engaged in by the registrant as agent of a foreign principal for each such foreign principal, including a detailed statement of any such activity which is a political activity;

(5) The nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received within the preceding sixty days from each such foreign principal, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(6) A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration hereunder, including a detailed statement of any such activity which is a political activity;

(7) The name, business, and residence addresses, and if an individual, the nationality, of any person other than a foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act under such circumstances as require his registration hereunder; the extent to which each such person is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party or by any other foreign principal; and the nature and amount of contributions, income, money or thing of value, if any, that the registrant has received during the preceding sixty days from each such person in connection with any of the activities referred to in clause (6) of this subsection, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(8) A detailed statement of the money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of or in connection with activities which require his registration hereunder and which have been undertaken by him either as an agent of a foreign principal or for himself or any other person or in connection with any activities relating to his becoming an agent of such principal, and a detailed statement of any contributions of money or other things of value made by him during the preceding sixty days (other than contributions the making of which is prohibited under the

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terms of section 613 of Title 18) in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office;

(9) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is performing or assuming or purporting or has agreed to perform for himself or for a foreign principal or for any person other than a foreign principal any activities which require his registration hereunder;

(10) Such other statements, information, or documents pertinent to the purposes of this subchapter as the Attorney General, having due regard for the national security and the public interest, may from time to time require;

(11) Such further statements and such further copies of documents as are necessary to make the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

## Supplements: filing period

(b) Every agent of a foreign principal who has filed a registration statement required by subsection (a) of this section shall, within thirty days after the expiration of each period of six months succeeding such filing, file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth with respect to such preceding six months' period such facts as the Attorney General, having due regard for the national security and the public interest, may deem necessary to make the information required under this section accurate, complete, and current with respect to such period. In connection with the information furnished under clauses (3), (4), (6), and (9) of subsection (a) of this section, the registrant shall give notice to the Attorney General of any changes therein within ten days after such changes occur. If the Attorney General, having due regard for the national security and the public interest, determines that it is necessary to carry out the purposes of this subchapter, he may, in any particular case, require supplements to the registration statement to be filed at more frequent intervals in respect to all or particular items of information to be furnished.

## Execution of statement under oath

(c) The registration statement and supplements thereto shall be executed under oath as follows: If the registrant is an individual, by him; if the registrant is a partnership, by the majority of the members thereof; if the registrant is a person other than an indi-

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vidual or a person performing the duties of a board of directors, if

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(d) The registrant has been furnished with this statement and the registration statement or supplement in this statement or statement of material fact: statements, to, and the

(e) If at the time of the provision of the information under Title 18, the duplication of the registration statement and the information furnished by the principal

(f) The exemption—

(1) In any case where the person who is the principal

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vidual or a partnership, by a majority of the officers thereof or persons performing the functions of officers or by a majority of the board of directors thereof or persons performing the functions of directors, if any.

### Filing of statement not deemed full compliance nor as preclusion from prosecution

(d) The fact that a registration statement or supplement thereto has been filed shall not necessarily be deemed a full compliance with this subchapter and the regulations thereunder on the part of the registrant; nor shall it indicate that the Attorney General has in any way passed upon the merits of such registration statement or supplement thereto; nor shall it preclude prosecution, as provided for in this subchapter, for willful failure to file a registration statement or supplement thereto when due or for a willful false statement of a material fact therein or the willful omission of a material fact required to be stated therein or the willful omission of a material fact or copy of a material document necessary to make the statements made in a registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

### Incorporation of previous statement by reference

(e) If any agent of a foreign principal, required to register under the provisions of this subchapter, has previously thereto registered with the Attorney General under the provisions of section 2386 of Title 18, the Attorney General, in order to eliminate inappropriate duplication, may permit the incorporation by reference in the registration statement or supplements thereto filed hereunder of any information or documents previously filed by such agent of a foreign principal under the provisions of said section.

### Exemption by Attorney General

(f) The Attorney General may, by regulation, provide for the exemption—

(1) from registration, or from the requirement of furnishing any of the information required by this section, of any person who is listed as a partner, officer, director, or employee in the registration statement filed by an agent of a foreign principal under this subchapter, and

(2) from the requirement of furnishing any of the information required by this section of any agent of a foreign principal,

where by reason of the nature of the functions or activities of such person the Attorney General, having due regard for the national security and the public interest, determines that such registration, or the furnishing of such information, as the case may be, is not necessary to carry out the purposes of this subchapter.

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June 8, 1938, c. 327, § 2, 52 Stat. 632; Apr. 29, 1942, c. 263, § 1, 56 Stat. 251; Aug. 3, 1950, c. 524, § 1, 64 Stat. 399; July 4, 1966, Pub. L. 89-486, § 2, 80 Stat. 245.

<sup>1</sup> So in original. Probably should read "connection".

## Historical Note

**References in Text.** Section 613 of Title 18, referred to in subsec. (a)(8), was repealed by Pub.L. 94-283, Title II, § 201 (a), May 11, 1976, 90 Stat. 496.

**Codification.** In subsec. (e), in the original, "section 2386 of Title 18" read "the Act of October 17, 1940 (54 Stat. 1201)", which had been classified to sections 14 to 17 of Title 18. "Section 2386 of Title 18" was substituted for "sections 14 to 17 of Title 18" on authority of Act June 25, 1948, c. 645, 62 Stat. 863, section 1 of which enacted Title 18, Crimes and Criminal Procedures.

**Prior Provisions.** Provisions on this subject were contained in sections 612 and 613 of this title prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942.

**1966 Amendment.** Subsec. (a). Pub.L. 89-486, § 2(1), deleted requirement for transmittal of registration statements by the Attorney General to the Secretary of State and provision declaring a failure of transmission not to be a bar to prosecutions, now covered in section 616(b) of this title.

Subsec. (a) (3). Pub.L. 89-486, § 2(2), struck out ", unless, and to the extent, this requirement is waived in writing by the Attorney General" following "statement of the nature of the work of each" and provided for a statement of the extent to which a foreign principal is supervised, directed, etc., by any other foreign principal.

Subsec. (a) (4). Pub.L. 89-486, § 2(3), inserted ", including a detailed statement of any such activity which is a political activity".

Subsec. (a) (6). Pub.L. 89-486, § 2(4), inserted ", including a detailed statement of any such activity which is a political activity".

Subsec. (a) (7). Pub.L. 89-486, § 2(5), required certain information pertaining to control and financial arrangements with respect to those persons, not them-

selves foreign principals, who are so related to a foreign principal that their agents when engaged in political activities in the interests of the principal are required to register.

Subsec. (a) (8). Pub.L. 89-486, § 2 (6), added requirement that agent report the money or other things of value spent or disposed of in connection with his becoming the agent of his foreign principal and all political contributions made during the preceding sixty days, other than contributions made on behalf of their principals, such contributions being prohibited under section 613 of Title 18.

Subsec. (f). Pub.L. 89-486, § 2(7), added subsec. (f).

**1950 Amendment.** Subsec. (a). Act Aug. 3, 1950 made failure to register a continuing offense.

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**Effective Date of 1966 Amendment.** Amendment by section 2 of Pub.L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Effective Date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Act Aug. 3, 1950, see 1950 U.S.Code Cong.Service, p. 2886. See, also, Pub.L. 89-486, 1966 U.S.Code Cong. and Adm.News, p. 2397.

## Cross References

Registration functions of Secretary of State transferred to Attorney General, see Ex. Ord.No.9176, set out preceding section 611 of this title.

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262, reversed on other grounds 63 S.Ct. 561, 318 U.S. 236, 87 L.Ed. 734.

7. Standing to challenge constitutionality  
One able to make timely registration with noncriminal consequences but fail-

ing to make required registration at any time is in no position to challenge constitutionality of this subchapter. U. S. v. Melekh, D.C.III.1961, 193 F.Supp. 588.

§ 613. Exemptions

The requirements of section 612(a) of this title shall not apply to the following agents of foreign principals:

Diplomatic or consular officers

(a) A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer;

Official of foreign government

(b) Any official of a foreign government, if such government is recognized by the United States, who is not a public-relations counsel, publicity agent, information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as such official are of public record in the Department of State, while said official is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official;

Staff members of diplomatic or consular officers

(c) Any member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public-relations counsel, publicity agent, or information-service employee, whose name and status and the character of whose duties as such member or employee are of public record in the Department of State, while said member or employee is engaged exclusively in the performance of activities which are recognized by the Department of State as being within the scope of the functions of such member or employee;

Private and nonpolitical activities; solicitation of funds

(d) Any person engaging or agreeing to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions

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of subchapter II of chapter 9 of this title, and such rules and regulations as may be prescribed thereunder;

Religious, scholastic, or scientific pursuits

(e) Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts;

Defense of foreign government vital to United States defense

(f) Any person, or employee of such person, whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this subchapter by, the Attorney General such information as to the identity and activities of such person or employee at such times as the Attorney General may require. Upon notice to the Government of which such person is an agent or to such person or employee, the Attorney General, having due regard for the public interest and national defense, may, with the approval of the Secretary of State, and shall, at the request of the Secretary of State, terminate in whole or in part the exemption herein of any such person or employee;

Person qualified to practice law

(g) Any person qualified to practice law, insofar as he engages or agrees to engage in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States: *Provided, That* for the purposes of this subsection legal representation does not include attempts to influence or persuade agency personnel or officials other than in the course of established agency proceedings, whether formal or informal.

June 8, 1938, c. 327, § 3, 52 Stat. 632; Aug. 7, 1939, c. 521, § 2, 53 Stat. 1245; Apr. 29, 1942, c. 263, § 1, 56 Stat. 254; Oct. 4, 1961, Pub.L. 87-366, § 2, 75 Stat. 784; July 4, 1966, Pub.L. 89-486, § 3, 80 Stat. 246.

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## Historical Note

**Prior Provisions.** Prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942, section related to additional registration statements after each six months period. Provisions on that subject were incorporated in section 612 of this title by 1942 amendment.

**1906 Amendment.** Subsec. (d). Pub.L. 89-486, § 3(a), designated existing provisions as cl. (1) and (3), deleted "financial or mercantile" preceding "activities" in cl. (1) and inserted the cl. (2) exemption of any person engaging or agreeing to engage in other activities not serving predominantly a foreign interest.

Subsec. (g). Pub.L. 89-486, § 3(b), added subsec. (g).

**1961 Amendment.** Subsec. (d). Pub.L. 87-366 substituted "private and nonpolitical financial or mercantile activities in furtherance" for "private, non-political, financial, mercantile, or other activities in furtherance".

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**1939 Amendment.** Act Aug. 7, 1939 amended section generally.

**Effective Date of 1906 Amendment.** Amendment by section 3 of Pub.L. 89-486 effective ninety days after July 4, 1906, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Effective Date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 87-366, see 1961 U.S. Code Cong. and Adm. News, p. 3218. See, also, Pub.L. 89-486, 1906 U.S. Code Cong. and Adm. News, p. 2397.

## Cross References

Registration functions of Secretary of State transferred to Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

## Notes of Decisions

## Legal representatives 2

Private, nonpolitical, financial or mercantile activities 1

## 1. Private, nonpolitical, financial or mercantile activities

Attorney representing foreign government could not qualify for exemption under this section providing exemption for person engaged in private and nonpolitical financial or mercantile activities in furtherance of foreign principal's trade or commerce if any one of characteristics referred to in this section was missing. *Rabinowitz v. Kennedy*, Dist. Col. 1964, 84 S.Ct. 919, 376 U.S. 605, 11 L.Ed.2d 940.

Interest of a foreign government in litigation could be labeled "financial or mercantile" but could not be deemed only "private and nonpolitical" within this section exempting from registration

anyone engaging in private and nonpolitical financial or mercantile activities in furtherance of foreign principal's trade or commerce. *Id.*

Phrase "financial or mercantile" activity in provision of this section exempting from registration persons engaging in private nonpolitical financial or mercantile activities in furtherance of foreign principal's trade or commerce was intended to describe conduct of ordinary private commercial character usually associated with the terms. *Id.*

Lawyer's work in litigating for a foreign government could not be characterized as only "financial or mercantile" activity, even though it could be regarded as "private and nonpolitical" activity, within this section exempting from registration anyone engaging in "private, and nonpolitical, financial, or mercantile" activities in furtherance of trade or commerce of foreign principal. *Id.*

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## 2. Legal representatives

If attorney engages in any activities in behalf of foreign principal which are not exempt from record keeping and disclosure requirements of this subchapter he must include in his registration statement under this subchapter a description of these otherwise exempt legal activities as well. Attorney General of U. S. v. Covington and Burling, D.C.D.C.1976, 411 F.Supp. 371, injunction denied 430 F. Supp. 1117.

include all communications that have been traditionally protected by attorney-client privilege, but includes only communications where legal advice of any kind is sought, whether made in contemplation of litigation or not. Id.

Attorney who represents foreign principal and who has registered as agent under this subchapter may validly claim attorney-client privilege to withhold from disclosure to delegates of Attorney General documents or portions thereof which are required to be kept under this subchapter. Id.

It is doubtful that one who is engaged in the legal representation of disclosed foreign agent before any court is required to register under this subchapter. Schonbrun v. Dreihand, D.C.N.Y.1967, 268 F.Supp. 332.

This section which exempts certain agents of foreign principals from disclosure and record keeping requirements insofar as agent is qualified to practice law and engages or agrees to engage in legal representation of foreign principal before any court of law or agency of government in United States does not in-

## § 614. Filing and labeling of political propaganda

Copies to Attorney General; statement as to places, times, and extent of transmission

(a) Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter and who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda for or in the interests of such foreign principal (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, file with the Attorney General two copies thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such transmittal.

Identification statement

(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda for or in the interests of such foreign principal (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be or which he intends to be, disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth the relationship or connection between the person transmitting



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the political propaganda or causing it to be transmitted and such propaganda; that the person transmitting such political propaganda or causing it to be transmitted is registered under this subchapter with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of such foreign principal; that, as required by this subchapter, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the subchapter does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.

## Public inspection

(c) The copies of political propaganda required by this subchapter to be filed with the Attorney General shall be available for public inspection under such regulations as he may prescribe.

## Library of Congress

(d) For purposes of the Library of Congress, other than for public distribution, the Secretary of the Treasury and the Postmaster General are authorized, upon the request of the Librarian of Congress, to forward to the Library of Congress fifty copies, or as many fewer thereof as are available, of all foreign prints determined to be prohibited entry under the provisions of section 1305 of Title 19 and of all foreign prints excluded from the mails under authority of section 1717 of Title 18.

Notwithstanding the provisions of section 1305 of Title 19 and of section 1717 of Title 18, the Secretary of the Treasury is authorized to permit the entry and the Postmaster General is authorized to permit the transmittal in the mails of foreign prints imported for governmental purposes by authority or for the use of the United States or for the use of the Library of Congress.

## Information furnished to agency or official of United States government

(e) It shall be unlawful for any person within the United States who is an agent of a foreign principal required to register under the provisions of this subchapter to transmit, convey, or otherwise furnish to any agency or official of the Government (including a Member or committee of either House of Congress) for or in the interests of such foreign principal any political propaganda or to request

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from any such agency or official for or in the interests of such foreign principal any information or advice with respect to any matter pertaining to the political or public interests, policies or relations of a foreign country or of a political party or pertaining to the foreign or domestic policies of the United States unless the propaganda or the request is prefaced or accompanied by a true and accurate statement to the effect that such person is registered as an agent of such foreign principal under this subchapter.

### Appearances before Congressional committees

(f) Whenever any agent of a foreign principal required to register under this subchapter appears before any committee of Congress to testify for or in the interests of such foreign principal, he shall, at the time of such appearance, furnish the committee with a copy of his most recent registration statement filed with the Department of Justice as an agent of such foreign principal for inclusion in the records of the committee as part of his testimony.

June 8, 1938, c. 327, § 4, 52 Stat. 632; Aug. 7, 1939, c. 521, § 3, 53 Stat. 1246; Apr. 29, 1942, c. 263, § 1, 56 Stat. 255; July 4, 1966, Pub. L. 89-486, § 4, 80 Stat. 246.

### Historical Note

**Codification.** In subsec. (d), in the original, "section 1717 of Title 18" read "section 1 of Title XII of the Act of June 15, 1917 (40 Stat. 230)" which had been translated as section 343 of Title 18. "Section 1717 of Title 18" was substituted for "section 343 of Title 18" on authority of Act June 25, 1948, c. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

**Prior Provisions.** Prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942, section related to retention of statements as public records. Provisions on that subject were incorporated in section 616 of this title by 1942 amendment.

**1966 Amendment.** Subsec. (a), Pub.L. 89-486, § 4(1), inserted "for or in the interests of such foreign principal" following "political propaganda" and substituted "file with the Attorney General two copies thereof" for "send to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof".

Subsec. (b), Pub.L. 89-486, § 4(2), inserted "for or in the interests of such foreign principal" following "political propaganda", where first appearing, and "the relationship or connection between the person transmitting the political

propaganda or causing it to be transmitted and such propaganda;" following "setting forth" and substituted "such foreign principal" for "each of his foreign principals".

Subsec. (c), Pub.L. 89-486, § 4(3), substituted "filed with the Attorney General" for "sent to the Librarian of Congress".

Subsecs. (e), (f), Pub.L. 89-486, § 4(4), added subsecs. (e) and (f).

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**1939 Amendment.** Act Aug. 7, 1939 amended section generally.

**Effective Date of 1966 Amendment.** Amendment by section 4 of Pub.L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

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**Effective Date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 80-486, see 1966 U.S.Code Cong. and Adm.News, p. 2397.

## Cross References

Registration functions of Secretary of State transferred to Attorney General, see Ex.Ord.No.9178, set out preceding section 611 of this title.

## § 615. Books and records

Every agent of a foreign principal registered under this subchapter shall keep and preserve while he is an agent of a foreign principal such books of account and other records with respect to all his activities, the disclosure of which is required under the provisions of this subchapter, in accordance with such business and accounting practices, as the Attorney General, having due regard for the national security and the public interest, may by regulation prescribe as necessary or appropriate for the enforcement of the provisions of this subchapter and shall preserve the same for a period of three years following the termination of such status. Until regulations are in effect under this section every agent of a foreign principal shall keep books of account and shall preserve all written records with respect to his activities. Such books and records shall be open at all reasonable times to the inspection of any official charged with the enforcement of this subchapter. It shall be unlawful for any person willfully to conceal, destroy, obliterate, mutilate, or falsify, or to attempt to conceal, destroy, obliterate, mutilate, or falsify, or to cause to be concealed, destroyed, obliterated, mutilated, or falsified, any books or records required to be kept under the provisions of this section.

June 8, 1938, c. 327, § 5, 52 Stat. 633; Apr. 29, 1942, c. 263, § 1, 56 Stat. 256; July 4, 1966, Pub.L. 89-486, § 5, 80 Stat. 247.

## Historical Note

**Prior Provisions.** Prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942, section related to penalties. Provisions on that subject were incorporated in section 618 of this title by 1942 amendment.

**1966 Amendment.** Pub.L. 89-486 inserted "in accordance with such business and accounting practices," following "under the provisions of this subchapter."

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**Effective Date of 1966 Amendment.** Amendment by section 5 of Pub.L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Effective Date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 89-486, see 1966 U.S.Code Cong. and Adm.News, p. 2397.

Amendment by Act Apr. 29, 1942 effective

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rectly over to unit and subject those persons who were to inspect documents to protective order forbidding further disclosure, whereupon those persons, if they found certain information which they felt should or had to be disclosed further, would ask court for specific determination of whether and to what extent information would be privileged, had to be rejected in instant case as unwise. Attorney General of U. S. v. Covington and Burling, D.C.D.C.1977, 430 F.Supp. 1117.

accept good-faith claim of defendant law firm, which represented foreign country which did not cooperate fully with defendant in instant matter, that it could not determine that document, disclosure of which was sought by Justice Department, under this subchapter in its investigation of defendant, did not disclose confidential communication from its client. Attorney General of U. S. v. Covington and Burling, D.C.D.C.1977, 430 F.Supp. 1117.

## 5. Intervention

Motion of individuals to intervene as defendants in proceeding wherein Attorney General sought a preliminary injunction directing defendant, an admitted agent of a foreign principal, to produce its books and records for inspection by government officials charged with enforcement of provisions of this subchapter, would be denied, where they sought to intervene in order to raise constitutional objections which were of no merit, and, in addition, individuals had no standing to participate in action, in that government was not seeking to inspect any of their personal correspondence, and constitutional rights asserted by individuals could not be abridged by defendant's production of its books and records, which fell within "required records" doctrine and were not subject to a claim of privilege. Attorney General v. Irish Northern Aid Committee, D.C.N.Y.1972, 346 F.Supp. 1384, affirmed 465 F.2d 1405.

## 6. Defenses

Where information withheld was of kind likely to have been disclosed to third parties in future, or where defendant clearly could have remedied its uncertainty by obtaining information from other sources, or where communication might be of interest to Attorney General in fulfilling his obligations under this subchapter, district court was unable to

## 7. Burden of proof

It is not sufficient for defendant law firm which represented foreign country simply to allege, with respect to particular document for which disclosure was sought by registration unit of Justice Department under this subchapter in its investigation of law firm, that each element of attorney-client privilege was, and continued to be, present; defendant also had burden of showing with sufficient certainty that elements did, in fact, exist. Attorney General of U. S. v. Covington and Burling, D.C.D.C.1977, 430 F.Supp. 1117.

## 8. Injunction

There was no necessity for a factual hearing on motion by Attorney General for a preliminary injunction directing defendant agent of a foreign principal to produce its books and records for inspection by officials charged with enforcement of this subchapter, where it appeared just another tactic by defendant to forestall day when required books and records would have to be produced and may well have been an attempt to checkmate government's legal quest for information by requiring presence for interrogation of high level government officials engaged in one of nation's most sensitive security areas. Attorney General v. Irish Northern Aid Committee, D.C.N.Y.1972, 346 F.Supp. 1384, affirmed 465 F.2d 1405.

## § 616. Public examination of official records; transmittal of records and information

Permanent copy of statement; inspection; withdrawal

(a) The Attorney General shall retain in permanent form one copy of all registration statements and all statements concerning the distribution of political propaganda furnished under this subchapter, and the same shall be public records and open to public examination and inspection at such reasonable hours, under such regulations, as the Attorney General may prescribe, and copies of the same shall be furnished to every applicant at such reasonable fee as the Attorney

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## Ch. 11 FOREIGN AGENTS &amp; PROPAGANDA 22 § 616

General may prescribe. The Attorney General may withdraw from public examination the registration statement and other statements of any agent of a foreign principal whose activities have ceased to be of a character which requires registration under the provisions of this subchapter.

## Secretary of State

(b) The Attorney General shall, promptly upon receipt, transmit one copy of every registration statement filed hereunder and one copy of every amendment or supplement thereto, and one copy of every item of political propaganda filed hereunder, to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General so to transmit such copy shall not be a bar to prosecution under this subchapter.

## Executive departments and agencies; Congressional committees

(c) The Attorney General is authorized to furnish to departments and agencies in the executive branch and committees of the Congress such information obtained by him in the administration of this subchapter, including the names of registrants under this subchapter, copies of registration statements, or parts thereof, copies of political propaganda, or other documents or information filed under this subchapter, as may be appropriate in the light of the purposes of this subchapter.

June 8, 1938, c. 327, § 6, 52 Stat. 633; Apr. 29, 1942, c. 263, § 1, 56 Stat. 256; July 4, 1966, Pub.L. 89-486, § 6, 80 Stat. 247.

## Historical Note

**Prior Provisions.** Prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942, section related to rules and regulations. Provisions on that subject were incorporated in section 620 of this title by 1942 amendment.

Provisions on this subject were contained in section 614 of this title prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942.

**1966 Amendment.** Pub.L. 89-486 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**Effective Date of 1966 Amendment.** Amendment by section 6 of Pub.L. 89-486 effective ninety days after July 4, 1966, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Effective Date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Pub.L. 89-486, see 1966 U.S. Code Cong. and Adm. News, p. 2397.

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## § 61

## Cross References

Registration functions of Secretary of State transferred to Attorney General, see Ex.Ord.No.9176, set out preceding section 611 of this title.

## Library References

Records ②14.

C.J.S. Records § 35 et seq.

## § 617. Liability of officers

Each officer, or person performing the functions of an officer, and each director, or person performing the functions of a director, of an agent of a foreign principal which is not an individual shall be under obligation to cause such agent to execute and file a registration statement and supplements thereto as and when such filing is required under subsections (a) and (b) of section 612 of this title and shall also be under obligation to cause such agent to comply with all the requirements of sections 614(a) and (b) and 615 of this title and all other requirements of this subchapter. Dissolution of any organization acting as an agent of a foreign principal shall not relieve any officer, or person performing the functions of an officer, or any director, or person performing the functions of a director, from complying with the provisions of this section. In case of failure of any such agent of a foreign principal to comply with any of the requirements of this subchapter, each of its officers, or persons performing the functions of officers, and each of its directors, or persons performing the functions of directors, shall be subject to prosecution therefor.

June 8, 1938, c. 327, § 7, 52 Stat. 633; Apr. 29, 1942, c. 263, § 1, 56 Stat. 256; Aug. 3, 1950, c. 524, § 2, 64 Stat. 400.

## Historical Note

**Prior Provisions.** Section 7 of Act June 8, 1938, prior to the general amendment of that Act by Act Apr. 29, 1942, provided for the effective date of the 1938 Act. See Effective Date note under section 611 of this title.

**1950 Amendment.** Act Aug. 3, 1950 continued the obligation of officers, directors, and persons acting as such to comply with this subchapter despite the dissolution of a foreign agent.

**1942 Amendment.** Act Apr. 29, 1942 amended section generally.

**Effective Date of 1942 Amendment.** Amendment by Act Apr. 29, 1942 effective the sixtieth day after the date of its ap-

proval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Effective date.** Section effective the ninetieth day after June 8, 1938, see section 7 of Act June 8, 1938, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Act Aug. 3, 1950, see 1950 U.S.Code Cong.Service, p. 2888.

## Library References

International Law ②10.25.

C.J.S. International Law § 12.

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## Ch. 11 FOREIGN AGENTS &amp; PROPAGANDA 22 § 618

## § 618. Enforcement and penalties

**Violations; false statements and willful omissions**

## (a) Any person who—

(1) willfully violates any provision of this subchapter or any regulation thereunder, or

(2) in any registration statement or supplement thereto or in any statement under section 614(a) of this title concerning the distribution of political propaganda or in any other document filed with or furnished to the Attorney General under the provisions of this subchapter willfully makes a false statement of a material fact or willfully omits any material fact required to be stated therein or willfully omits a material fact or a copy of a material document necessary to make the statements therein and the copies of documents furnished therewith not misleading, shall, upon conviction thereof be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, except that in the case of a violation of subsection (b), (e), or (f) of section 614 of this title or of subsection (g) or (h) of this section the punishment shall be a fine of not more than \$5,000 or imprisonment for not more than six months, or both.

**Proof of identity of foreign principal**

(b) In any proceeding under this subchapter in which it is charged that a person is an agent of a foreign principal with respect to a foreign principal outside of the United States, proof of the specific identity of the foreign principal shall be permissible but not necessary.

**Deportation**

(c) Any alien who shall be convicted of a violation of, or a conspiracy to violate, any provision of this subchapter or any regulation thereunder shall be subject to deportation in the manner provided by sections 1251 to 1253 of Title 8.

**Nonmailable matter**

(d) The Postmaster General may declare to be nonmailable any communication or expression falling within clause (2) of section 611(j) of this title in the form of prints or in any other form reasonably adapted to, or reasonably appearing to be intended for, dissemination or circulation among two or more persons, which is offered or caused to be offered for transmittal in the United States mails to any person or persons in any other American republic by any agent of a foreign principal, if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American republic has made writ-

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ten representation to the Department of State that the admission or circulation of such communication or expression in such American republic is prohibited by the laws thereof and has requested in writing that its transmittal thereto be stopped.

**Continuing offense**

(e) Failure to file any such registration statement or supplements thereto as is required by either section 612(a) or section 612(b) of this title shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

**Injunctive remedy; jurisdiction of district court; expedition of proceedings**

(f) Whenever in the judgment of the Attorney General any person is engaged in or about to engage in any acts which constitute or will constitute a violation of any provision of this subchapter, or regulations issued thereunder, or whenever any agent of a foreign principal fails to comply with any of the provisions of this subchapter or the regulations issued thereunder, or otherwise is in violation of the subchapter, the Attorney General may make application to the appropriate United States district court for an order enjoining such acts or enjoining such person from continuing to act as an agent of such foreign principal, or for an order requiring compliance with any appropriate provision of the subchapter or regulation thereunder. The district court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other order which it may deem proper. The proceedings shall be made a preferred cause and shall be expedited in every way.

**Deficient registration statement**

(g) If the Attorney General determines that a registration statement does not comply with the requirements of this subchapter or the regulations issued thereunder, he shall so notify the registrant in writing, specifying in what respects the statement is deficient. It shall be unlawful for any person to act as an agent of a foreign principal at any time ten days or more after receipt of such notification without filing an amended registration statement in full compliance with the requirements of this subchapter and the regulations issued thereunder.

**Contingent fee arrangement**

(h) It shall be unlawful for any agent of a foreign principal required to register under this subchapter to be a party to any contract, agreement, or understanding, either express or implied, with such foreign principal pursuant to which the amount or payment of the compensation, fee, or other remuneration of such agent is contingent in whole or in part upon the success of any political activities carried on by such agent.

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**Ch. 11 FOREIGN AGENTS & PROPAGANDA 22 § 618**

June 8, 1938, c. 327, § 8, as added Apr. 29, 1942, c. 263, § 1, 56 Stat. 257, and amended Sept. 23, 1950, c. 1024, Title I, § 20, 64 Stat. 1005; June 27, 1952, c. 477, Title IV, § 402(d), 66 Stat. 414; Aug. 1, 1956, c. 849, § 1, 70 Stat. 899; July 4, 1966, Pub.L. 89-486, § 7, 80 Stat. 248.

**Historical Note**

**Prior Provisions.** Provisions on this subject were contained in section 615 of this title prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942.

**1966 Amendment.** Subsec. (a) (2), Pub.L. 89-486, § 7(1), added the exception provision.

Subsecs. (f) to (h), Pub.L. 89-486, § 7 (2), added subsecs. (f) to (h).

**1956 Amendment.** Act Aug. 1, 1956 amended credit to section by redesignating section 20(b) of Act Sept. 23, 1950, as section 20.

**1952 Amendment.** Subsec. (c), Act June 27, 1952 substituted "sections 1251 to 1253 of Title 8" for "sections 155 and 156 of Title 8".

**1950 Amendment.** Subsec. (e), Act Sept. 23, 1950 added subsec. (e).

**Effective Date of 1966 Amendment.** Amendment by section 7 of Pub.L. 89

486 effective ninety days after July 4, 1966, see section 9 of Pub.L. 89-486, set out as a note under section 611 of this title.

**Effective Date.** Section effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

**Legislative History.** For legislative history and purpose of Act Sept. 23, 1950, see 1950 U.S.Code Cong.Service, p. 3886. See, also, Act June 27, 1952, 1952 U.S. Code Cong. and Adm.News, p. 1653; Act Aug. 1, 1956, 1956 U.S.Code Cong. and Adm.News, p. 4056; Pub.L. 89-486, 1966 U.S.Code Cong. and Adm.News, p. 2397.

**Cross References**

Military or civilian censorship prohibited, and preservation of certain constitutional rights, see section 798 of Title 50, War and National Defense.

**Library References**

International Law 10.25.

C.J.S. International Law § 12.

**West's Federal Forms**

Jurisdiction and venue in district courts, matters pertaining to, see § 1000 et seq.  
Preliminary injunctions and temporary restraining orders, matters pertaining to, see § 5271 et seq.  
Sentence and fine, see § 7531 et seq.

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**22 § 618**

Note 13

**13. Instructions**

In prosecution for violation of this subchapter before its amendment in 1942, instruction that if jury found that accused engaged in activities set forth in indictment it was not necessary that jury find that he did so on behalf of his foreign principal or principals was erroneous and required reversal of conviction. *Viereck v. U. S.*, 1943, 63 S.Ct. 561, 318 U.S. 236, 87 L.Ed. 734.

**14. Costs**

The imposition of costs upon defendant, convicted of violating this subchapter, in addition to his sentence of imprisonment and fine, was not improper. *Viereck v. U. S.*, 1942, 130 F.2d 945, 76 U.S.App.D.C. 262, reversed on other grounds 63 S.Ct. 561, 318 U.S. 236, 87 L.Ed. 734.

**15. Injunction**

There was no necessity for a factual hearing on motion by Attorney General for a preliminary injunction directing defendant agent of a foreign principal to produce its books and records for inspection by officials charged with enforcement of this subchapter, where it appeared just another tactic by defendant to forestall day when required books and records would have to be produced and may well have been an attempt to checkmate government's legal quest for information by requiring presence for interrogation of high level government officials engaged in one of nation's most sensitive security areas. *Attorney General v. Irish Northern Aid Committee*, D.C.N.Y. 1972, 346 F.Supp. 1394, affirmed 465 F.2d 1405.

Preliminary injunction would issue directing defendant, an admitted agent of a foreign principal, to produce its books and records for inspection by government officials charged with enforcement of provisions of this subchapter. *Id.*

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**16. Revocation of probation**

Proceedings with respect to possible revocation of defendant's probation were not warranted, in view of reports filed by Department of Justice and Probation Department recommending that no action be taken to revoke defendant's probation, and in view of report of Department of Justice stating that there was no reason to believe that defendant had acted in violation of this subchapter and that apparent technical violations of section 2621 et seq. of this title did not warrant probation revocation in view of administrative background of such section 2621 et seq. of this title. *U. S. v. Agnew*, D.C.Md. 1977, 428 F.Supp. 1293.

**17. Disbarment of attorneys**

An attorney who pleaded guilty to violation of this subchapter, which violation took place while the United States was not at war, could in disbarment proceeding based upon such plea establish that he did not know of existence of this subchapter when he violated it, in order to negative existence of moral turpitude in his conduct. *In re Burch*, 1943, 54 N.E.2d 803, 73 Ohio App. 97.

The violation of this subchapter was not a crime involving "moral turpitude" within Gen.Code, § 1707, where attorney who pleaded guilty to violation of this subchapter established that violation took place when the United States was not at war, and that he did not know of the existence of this subchapter when he violated it. *Id.*

**18. New trial**

In view of action of court, taken at request of defendant's counsel, during course of trial, improper evidence which was stricken and remarks of government counsel during argument were not sufficiently prejudicial to require a new trial. *U. S. v. Kelly*, D.C.D.C. 1943, 51 F.Supp. 362.

**§ 619. Territorial applicability of subchapter**

This subchapter shall be applicable in the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, and all other places now or hereafter subject to the civil or military jurisdiction of the United States.

June 8, 1938, c. 327, § 9, as added Apr. 29, 1942, c. 263, § 1, 56 Stat. 257, and amended Proc.No.2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.

**Historical Note**

Codification. Words "including the Islands under the authority of section Philippine Islands," were deleted from 1394 of this title, under which section pursuant to Proc.No.2695, which Proc.No.2695 is set out as a note. granted independence to the Philippine

## Ch. 11 FOREIGN AGENTS & PROPAGANDA 22 § 621

**Effective date.** Section effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

### § 620. Rules and regulations

The Attorney General may at any time make, prescribe, amend, and rescind such rules, regulations, and forms as he may deem necessary to carry out the provisions of this subchapter.

June 8, 1938, c. 327, § 10, as added Apr. 29, 1942, c. 263, § 1, 56 Stat. 257.

#### Historical Note

**Prior Provisions.** Provisions on this subject were contained in section 616 of this title prior to general amendment of Act June 8, 1938, by Act Apr. 29, 1942.

**Effective Date.** Section effective the sixtieth day after the date of its approval, except that prior to such sixtieth day

the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

#### Library References

Attorney General ☞ 6.

C.J.S. Attorney General §§ 5, 6.

#### Notes of Decisions

##### 1. Generally

The words "carry out", as used in former section 616 of this title which authorized Secretary of State to prescribe such rules, regulations, and forms as

may be necessary to carry out this subchapter, meant to make workable. *Vierck v. U. S.*, 1942, 130 F.2d 945, 76 U.S. App.D.C. 262, reversed on other grounds 63 S.Ct. 561, 318 U.S. 236, 87 L.Ed. 734.

### § 621. Reports to Congress

The Attorney General shall, from time to time, make a report to the Congress concerning the administration of this subchapter, including the nature, sources, and content of political propaganda disseminated or distributed.

June 8, 1938, c. 327, § 11, as added Apr. 29, 1942, c. 263, § 1, 56 Stat. 258.

#### Historical Note

**Effective Date.** Section effective the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules,

regulations, and forms as may be necessary to carry out the provisions of this subchapter, see section 3 of Act Apr. 29, 1942, set out as a note under section 611 of this title.

#### Library References

Attorney General ☞ 6.

C.J.S. Attorney General §§ 5, 6.